IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 12652 of 2005

Between:

P. Chandra Rao S/o. P. Appa Rao, Agriculturist,
R/o. Gonchala Village, Samalkot Mandal, East Godavari District.

..... PETITIONER

AND

1 The State of A.P. , represented by its Secretary, Endowments Department, Secretariat,
Hyderabad.
2 The State of A.P. represented by its Commissioner, H.R. & C.E. Tilak Road, Hyderabad.
3 The Executive Engineer, Sri Veera Venkata Satyanarayana Swamy Vari Devasthanam, Annavaram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not extending the lease on the same terms and conditions of the lease dt. 8-7-2004 as illegal, arbitrary and consequently direct the respondents to consider the application of the petitioner herein for extension of Ac. 30.15 cents situated in Timmapuram Village, Kakinada Rural Mandal, in favour of the petitioner as per the terms and conditions of the lease deed as was done for the year, 2004-2005.

Counsel for the Petitioner: MR.A.NARASIMHA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for respondent No.3: MR.E.SAMBASIVA PRATAP

The Court made the following:

WRIT PETITION NO.12652 of 2005

ORAL ORDER:

The petitioner, as per the averments made in the affidavit filed in support of the Writ Petition, obtained lease of an extent of 20 acres 16 cents in Survey No.234 and 9 acres in Survey No.236 in respect of two crops, i.e., both Sarva and Dalva in the year 2004, pursuant to the auction notice dated 23.5.2004. The lease was granted in favour of the petitioner on the condition that he shall pay the value of 30 bags per acre for both Sarva and Dalva crops. It is his case that when the respondents did not execute the lease deed, he filed Writ Petition No.11236 of 2004 and that this Court passed interim orders in WPMP.No.14275 and 14276 of 2004, pursuant to which the lease deed was executed in favour of the petitioner and thereafter possession was delivered to him. He states that in accordance with the terms of the lease deed, he paid the amounts to the 3rd respondent without any default. He further states that he submitted a representation seeking extension of lease on the same terms and conditions and in fact he expressed his willingness to deposit Rs.50,000/- as was done in the previous year before the commencement of lease.

2. Heard the learned counsel for the petitioner, the learned Government Pleader and Sri E.Sambasiva Pratap, learned counsel appearing on behalf of the 3rd respondent.

3. Admittedly the petitioner's lease expired on 31.5.2005 and thereafter the petitioner has no manner of right to cultivate the lands or to seek automatic extension of lease. The proper mode of sale of public property or grant of lease is by way of public auction and not otherwise. Needless to state that in case the 3rd respondent conducts public auction, the petitioner would also be entitled to participate therein.

4. The Writ Petition fails and is accordingly dismissed at the admission stage. No costs.

15-06-2005

SSR

To

1 The Secretary, Endowments Department, State of A.P. , Secretariat, Hyderabad.
2 The Commissioner, H.R. & C.E. State of A.P. Tilak Road, Hyderabad.
3 The Executive Engineer, Sri Veera Venkata Satyanarayana Swamy Vari Devasthanam, Annavaram, East Godavari District.

4 2 CCs to G.P. for Endowments, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

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